IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

And

THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT APPEAL NO : 1229 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 06/06/2005 in WP NO : 8370 OF 2005 on the file of the High Court.)

Between:

Y.Malakondaiah, s/o Kondaiah,
r/o Anneboinapalli, Lingasamudram (M), Prakasam District.

..... APPELLANT

AND

1 The District Collector, Prakasam District at Ongole.
2 The Revenue Divisional Officer, Kandukur Division, Kandukur Prakasam District.
3 The Mandal Revenue Officer, Lingasamudram (M), Prakasam District.
4 The Panchayat Secretary, Anneboinapalli Grampanchayat, Lingasamudram (M), Prakasam District.
5 The Station House Officer, Gudur Police Station, Gudur Mandal, Prakasam District.

.....RESPONDENTS

Counsel for the Appellant: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondent Nos. 1 to 3 and 5 : GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for respondent No.5: G.P. for Home…

The Court made the following :

ORAL JUDGMENT: (per the Hon'ble Sri Bilal Nazki, ACJ)

The grievance of the appellant-writ petitioner is that a notice under Land Encroachment Act has been issued to him by respondent No.4-Panchayat Secretary, who does not have any jurisdiction and the jurisdiction lies with the Mandal Revenue Officer.

The learned single judge dismissed the writ petition on the ground that only a show cause notice was issued to the writ petitioner. The learned single judge tried to protect the rights of the petitioner by granting stay till the enquiry was over.

We do not find any ground to interfere with the learned single judge's order, who had protected the rights of the petitioner. Petitioner is at liberty to take any objections permissible under law, including the objection relating to jurisdiction before the Respondent No.4 who has issued the notice and Respondent No.4 is directed to decide all objections raised before him in response to show cause notice before passing final order.

The writ appeal is accordingly disposed of. No costs.

_____

BILAL NAZKI, ACJ

DATE: 4th July, 2005

_____

G. CHANDRAIAH,J

pnb

To

1 The District Collector, Prakasam District at Ongole.
2 The Revenue Divisional Officer, Kandukur Division, Kandukur Prakasam District.
3 The Mandal Revenue Officer, Lingasamudram (M), Prakasam District.

4 The Panchayat Secretary, Anneboinapalli Grampanchayat, Lingasamudram (M), Prakasam District.
5 The Station House Officer, Gudur Police Station, Gudur Mandal, Prakasam District.

6 Two C.Cs. to the Government Pleader for Panchayat Raj & Rural Development, High Court Buildings, Hyderabad. (OUT)

7 Two C.D. copies